

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

Sep 09, 2022

SEAN F. MCVOY, CLERK

UNITED STATES OF AMERICA

Case No. 4:17-cr-6033-EFS-1

v.

JAMES JOHN WILSON

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of the defendant the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, and recognizing that U.S.S.G. § 1B1.13 is not binding on judicial review of such motions filed by defendants, IT IS ORDERED that the motion is:

GRANTED

The defendant's previously imposed sentence of imprisonment of _____ is reduced to _____. If this sentence is less than the amount of time the defendant already served, the sentence is reduced to a time served; or

Time served.

If the defendant's sentence is reduced to time served:

This order is stayed for up to fourteen days, for the verification of the defendant's residence and/or establishment of a release plan, to make appropriate travel arrangements, and to ensure the defendant's safe release. The defendant shall be released as soon as a residence is verified, a release plan is established, appropriate travel arrangements are made,

and it is safe for the defendant to travel. There shall be no delay in ensuring travel arrangements are made. If more than fourteen days are needed to make appropriate travel arrangements and ensure the defendant's safe release, the parties shall immediately notify the court and show cause why the stay should be extended; or

- There being a verified residence and an appropriate release plan in place, this order is stayed for up to fourteen days to make appropriate travel arrangements and to ensure the defendant's safe release. The defendant shall be released as soon as appropriate travel arrangements are made and it is safe for the defendant to travel. There shall be no delay in ensuring travel arrangements are made. If more than fourteen days are needed to make appropriate travel arrangements and ensure the defendant's safe release, then the parties shall immediately notify the court and show cause why the stay should be extended.
- The defendant must provide the complete address where the defendant will reside upon release to the probation office in the district where they will be released because it was not included in the motion for sentence reduction.
- Under 18 U.S.C. § 3582(c)(1)(A), the defendant is ordered to serve a "special term" of probation or supervised release of ___ months (not to exceed the unserved portion of the original term of imprisonment).
- The defendant's previously imposed conditions of supervised release apply to the "special term" of supervision; or

- The conditions of the “special term” of supervision are as follows:
- The defendant’s previously imposed conditions of supervised release are unchanged.
- The defendant’s previously imposed conditions of supervised release are modified as follows:
- DEFERRED pending supplemental briefing and/or a hearing. The court DIRECTS the United States Attorney to file a response on or before _____, along with all Bureau of Prisons records (medical, institutional, administrative) relevant to this motion.
- DENIED after complete review of the motion on the merits. **ECF No. 109** is **DENIED**.
- FACTORS CONSIDERED (Optional—See bottom of next page.)

DENIED WITHOUT PREJUDICE because the defendant has not exhausted all administrative remedies as required in 18 U.S.C. § 3582(c)(1)(A), nor have 30 days lapsed since receipt of the defendant's request by the warden of the defendant's facility.

IT IS SO ORDERED.

Dated: September 9, 2022



UNITED STATES DISTRICT JUDGE

FACTORS CONSIDERED (Optional—Continued):

Recognizing that U.S.S.G. § 1B1.13 is not binding on judicial review of § 3582(c)(1)(A) motions filed by defendants, the Court makes the following findings:

Decision. Defendant requested termination of his imprisonment and that he be transferred to a residential reentry center (RRC) or to home confinement for the remainder of his 60-month imprisonment sentence. After filing his motion, Defendant was transferred to a RRC and so he now requests transition to home confinement. Upon consideration, the Court finds that Defendant has not met his burden to show that extraordinary and compelling reasons warrant transitioning to home confinement before his projected BOP release date in April 2023.

Defendant's Medical Conditions. Defendant is 45 years old. His medical conditions include ongoing hernia complications, back pain, obesity, COPD, hypertension, and cardiac conditions. Defendant has twice recovered from COVID. Defendant argues that he will be able to arrange better medical care if released to home confinement without being subject to BOP policies. However, at this time, Defendant fails to establish with any evidence that the medical care he will receive while at the RRC will be inadequate. Defendant's medical ailments do not constitute an extraordinary and compelling reason for relief under § 3582(c)(1)(A)(i) at this time.

Section 3553(a) Factors. Defendant argues that early release is appropriate because of his minimal criminal history, his compliance on pretrial release, his reduced likelihood of recidivism, and that if released he can begin working and paying his court-financial obligations. However, when initially sentencing Defendant, the Court already considered the nature and circumstances of Defendant's offense, his history and characteristics, affording adequate deterrence to criminal conduct, protecting the public, and providing restitution to victims, along with the other applicable § 3553(a) factors. Defendant has not established that the § 3553(a) factors support early release to home confinement.